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May 23, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Woodland Meadows  
PROJECT MUNICIPALITY : Southborough  
PROJECT WATERSHED : SuAsCo  
EEA NUMBER : 14224  
PROJECT PROPONENT : Woodland Meadows LLC  
DATE NOTICED IN MONITOR : April 9, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project consists of construction of a 40-unit apartment building on an 8-acre parcel under the M.G.L. c.40B provisions on Woodland Road in Southborough. In addition to the apartment building, the project will also include the installation of an on-site septic system, parking areas and access driveways, wetland crossings and wetland replication areas, and a stormwater management system. Access to the property will be on Woodland Road, with the primary access driveway located in the approximate location of an existing cart path. Portions of the project site have been altered due to past site activities, including the alteration and replication of wetlands.

Estimated project impacts on the 8-acre site include 2.3 acres of new altered land, 1.3 acres of new impervious area, 391 new vehicle trips per day, 94 new parking spaces,

approximately 6,820 gallons per day (GPD) of water use, and 6,820 GPD of wastewater generation. Wetlands impacts include the direct alteration of approximately 3,158 square feet (sf) of Bordering Vegetated Wetlands (BVWs), 26 feet of inland Bank, 90 sf of Land Under Water, and 29,641 sf of Riverfront Area. The on-site wetlands are considered tributary to the Sudbury Reservoir, a Class A Public Water Supply. Class A Public Water Supplies, their tributaries and certain wetlands are designated as Outstanding Resource Waters (ORWs) and afforded protection in the Massachusetts Surface Water Quality Standards (314 CMR 4.00).

### Jurisdiction

The project is undergoing review pursuant to Section 11.03 (3)(b)(c) because the project will result in alteration of 1,000 or more square feet of outstanding resource waters (ORW). The project will require a Section 401 Water Quality Certificate (WQC) from the Massachusetts Department of Environmental Protection (MassDEP). The project will also require an Order of Conditions from the Southborough Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP. Approval under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit will be needed from the United States Environmental Protection Agency. The proponent will be required to submit for Approval of NPDES Stormwater Pollution Prevention Plans for Construction or Industrial General Permits Discharging to Outstanding Resource Waters (ORWs) from MassDEP.

The project will receive funding from MassHousing (Housing Starts) or the New England Fund. Therefore, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment.

### Wetlands and Stormwater

According to the ENF, the project will result in the alteration of approximately 3,158 sf of BVW, 26 feet of inland Bank, 90 sf of Land Under Water, and 29,641 sf of Riverfront Area. Direct BVW and Riverfront Area impact is associated with the construction of the primary access driveway, the emergency access driveway, and the apartment building. Impact to Bank, and Land Under Water are associated with the wetland crossing of the unnamed perennial stream. The proponent has already submitted a Notice of Intent (NOI) with the Southborough Conservation Commission, but an Order of Conditions (OOC) has not been issued to date.

The proponent will be required to complete and submit a 401 WQC to MassDEP. This application should include an alternatives analysis in accordance with 314 CMR 9.00. MassDEP has indicated that discharge of Dredged or Fill material is prohibited to a wetland in an ORW except as specified in 314 CMR 9.06(3). MassDEP requires project to follow the Massachusetts Programmatic General Permit (PGP) Stream Crossing Standards. It was unclear from the ENF whether or not the crossing meets these standards. It appears that based upon information shared at the MEPA Site Consultation Session, the proponent will likely need to alter the stream crossing design as part of the Notice of Intent review process and the 401 WQC application to comply with applicable wetlands regulations.

MassDEP has commented that based upon the project depicted in the ENF, the project does not comply with the new Stormwater Management Regulations and Stormwater Handbook. As part of the ongoing NOI review process, the proponent must revise the project's Stormwater Report and associated calculations to reflect compliance with the January 2, 2008 standards. Deficiencies noted by MassDEP include a lack of sufficient infiltration volume, more information necessary regarding removal of 80% total suspended solids (TSS), and the lack of appropriate Best Management Practices (BMPs) for use in critical areas. Additionally, as part of the NOI review process, the proponent should provide information to ensure compliance with the Riverfront Area General Performance Standards of the Massachusetts Wetland Protection Act.

Discussions during the MEPA Consultation Session revealed concerns about the potential impact of the project on flood storage and stormwater flows during storm events. As proposed in the ENF, the project involves the enlargement of the 18-inch diameter culvert under the existing cart path crossing over the unnamed perennial stream. The Southborough Department of Public Works has noted that increasing the culvert capacity at this location may exacerbate flooding at an existing undersized downstream culvert under Woodland Road. The proponent must evaluate the impacts of the stream crossing (whether it be a culvert, bridge span, or other acceptable crossing), on flood storage capacity and the Woodland Road culvert in accordance with the MassDEP Stormwater Management Policy. Project mitigation to be determined by local permitting authorities may include the replacement and upgrade of the Woodland Road culvert.

I encourage the proponent to seek ways to reduce direct BVW impact associated with the construction of the primary access road, the grading of the emergency access road, and the direct impact of the building footprint. As project design moves forward, the proponent should identify and adopt design changes that will further avoid, minimize, and mitigate damage to the environment. Finally, the project will include the creation of wetland replication areas to offset direct wetland impacts. I expect that as part of the NOI review process, the proponent will provide the Southborough Conservation Commission with detailed replication plans in accordance with MassDEP wetland replication guidelines and a thorough monitoring program protocol to ensure success.

Given the history of wetlands-related enforcement orders on the subject property, proximity to a public drinking water supply, and the complex nature of compliance with the new MassDEP Stormwater Management Policy, the proponent should work with MassDEP and the Southborough Conservation Commission during the NOI and 401 WQC review process to ensure compliance with all applicable State and local wetlands regulations. Should state and local permitting review and approvals necessitate significant design modifications, the proponent may be required to file a Notice of Project Change (NPC) in accordance with 301 CMR 11.10 with the MEPA office. The proponent should review the MEPA regulations upon completion of design modifications to determine if an NPC is necessary.

### Traffic and Site Access

The project is estimated to generate 391 new vehicle trips per day onto Woodland Road. According to the ENF, Woodland Road currently experiences an estimated total of 4,000 average daily vehicle trips per day. The project does not require a permit from MassHighway. The project site is proximate to Route 9 eastbound. While there is a median break at the intersection of Route 9 and Woodland Road, traffic movements from Woodland Road are restricted to right turns only, onto Route 9 eastbound. Traffic traveling from Route 9 westbound can take a left turn from a dedicated turning lane onto Woodland Road, crossing two lanes of Route 9 eastbound traffic. There is no signal at this intersection.

I received several comments regarding potential safety concerns and traffic delays along Woodland Road at Route 9. It was suggested that the median could be closed along Route 9 to eliminate the left turn from Route 9 westbound onto Woodland Road. Vehicles would then travel to the existing traffic light at Route 9 and Breakneck Hill Road to reverse direction onto Route 9 eastbound, and then make a right turn onto Woodland Road. The Town of Southborough should work with the MassHighway District Office if safety concerns warrant consideration of the median closure. Also, a request for additional traffic studies considering the impact of the project in a situation if the median closure did occur would be at the discretion of the Town of Southborough for evaluation of impact to local roadways. Such studies may reveal that improved signage and pavement markings on Woodland Road and/or Route 9 may be suitable additional mitigation measures at the intersection. A MassHighway permit may be required if the adjacent parcels with frontage are developed beyond their existing conditions. No work on these parcels was presented in the ENF.

### Hazardous Materials

At the MEPA Site Consultation Session it was noted that the adjacent property located at 78 Turnpike Road recently encountered Oil and Hazardous Materials (OHM) during on-going construction activities. In light of these findings, the proponent is advised that, if oil and/or hazardous material is identified during the implementation of this project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) may be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary or prudent if contamination is present. The MassDEP Bureau of Waste Site Cleanup (BWSC) may be contacted for guidance if questions regarding clean up arise.

### Wastewater

The project will include the installation of a Presby Enviro-Septic Leaching System which is approved for general use in Massachusetts under MassDEP's Innovative/Alternative Technologies program. Portions of the project site are located in a designated Zone A to a public water supply. While the leach fields are situated outside of the Zone A, the proponent must

confirm if additional treatment of wastewater for nitrogen is required in accordance with MassDEP and local Board of Health regulations.

Based upon plans submitted in the ENF, it appears that the reserve leaching field will be located on a portion of the lot presently known as 11 Oak Hill Road. The proponent likely intends to subdivide this rear portion of 11 Oak Hill Road to combine it with the project parcel. The Southborough Planning Board has noted in their comment letter that subdividing the Oak Hill Road lot to accommodate the reserve leaching area would likely render the lot non-conforming. The proponent should work with the Town of Southborough to ensure that the reserve leaching field can be accommodated in accordance with applicable MassDEP, Southborough Board of Health and Southborough Zoning Regulations.

### Construction Period Impacts

The proponent should take measures to reduce potential demolition and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions). The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. I encourage the proponent to incorporate construction waste recycling activities as a sustainable measure for the project. The proponent should consult with MassDEP for appropriate standards and guidelines for managing construction waste.

I encourage the proponent to mitigate the construction period impacts of diesel emissions to the maximum extent feasible. This mitigation may be achieved through participation in the MassDEP Diesel Retrofit Program. The proponent should work with MassDEP staff to implement construction-period diesel emission mitigation, which could include the installation of after-engine emission controls such as oxidation catalysts or diesel particulate filters. I remind the proponent that off-road equipment engines must use low sulfur diesel (LSD) fuel as required by a 2004 regulation issued by the U.S. EPA. I encourage the proponent to further mitigate construction period air quality impacts through the use of ultra low sulfur diesel (ULSD) fuel in off-road engines, which contains even lower sulfur content than LSD.

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time.

May 23, 2008  
Date

  
Ian A. Bowles

### Comments received:

04/28/2008 Department of Conservation and Recreation  
05/13/2008 Edward Estrella  
05/13/2008 Roger Challen  
05/13/2008 Southborough Conservation Commission

05/13/2008 Southborough Planning Board  
05/13/2008 **Southborough Department of Public Works**  
05/13/2008 Southborough Board of Selectmen  
05/13/2008 Massachusetts Department of Environmental Protection – CERO

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